

ASSEMBLY BILL

No. 32

Introduced by Assembly Member Price

December 1, 2008

An act relating to elections, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 32, as introduced, Price. Elections: 26th Senatorial District.

Existing law generally requires that a special election shall be conducted to fill a vacancy in the office of Representative in Congress, State Senator, or Assembly Member on a Tuesday at least 112 days, but not more than 126 days, following the issuance of an election proclamation by the Governor, except as specified. Existing law authorizes a special election to be conducted within 180 days following the issuance of an election proclamation by the Governor in order that the special election or special primary election be consolidated with the next regularly scheduled statewide election or local election occurring wholly or partially within the same territory in which the vacancy exists, provided that the voters eligible to vote in the local election comprise at least 50% of all the voters eligible to vote on the vacancy.

This bill would require Los Angeles County to conduct a special primary election on March 3, 2009, and, if necessary, conduct a special election on May 19, 2009, to fill the vacancy in the office of State Senator for the 26th Senatorial District. The bill would further authorize Los Angeles County to consolidate its special primary election and its special election with the City of Los Angeles primary nominating election on March 3, 2009, and City of Los Angeles general municipal

election on May 19, 2009. The bill would make related legislative findings and declarations.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. (a) The Legislature finds and declares all of the
2 following:

3 (1) There exists a vacancy in the office of State Senator for the
4 26th Senatorial District, located entirely in Los Angeles County.

5 (2) The City of Los Angeles has a primary nominating election
6 scheduled for March 3, 2009, and a general municipal election
7 scheduled for May 19, 2009.

8 (3) Existing provisions of the Elections Code generally require
9 a special primary election to fill a vacancy to occur on the eighth
10 Tuesday before the special election to fill that vacancy, unless that
11 eighth Tuesday is the day after a state holiday, in which case the
12 special primary election is to occur on the ninth Tuesday before
13 the special election. However, there are 11 weeks between the Los
14 Angeles City primary nominating election and its general municipal
15 election.

16 (4) It will cost Los Angeles County approximately two million
17 three hundred forty-three thousand dollars (\$2,343,000) to conduct
18 each stand-alone election for the special primary election and
19 special election to fill the vacancy in the office of State Senator
20 for the 26th Senatorial District, for a total of four million six
21 hundred eighty-six thousand dollars (\$4,686,000).

22 (5) If Los Angeles County consolidates its special elections with
23 the City of Los Angeles municipal elections, the cost for each
24 election will be approximately seven hundred ninety-two thousand
25 dollars (\$792,000), for a total cost of one million five hundred
26 eighty-four thousand dollars (\$1,584,000). As a result, the total
27 savings for Los Angeles County to conduct two special elections
28 consolidated with two City of Los Angeles municipal elections
29 will be approximately three million one hundred two thousand
30 dollars (\$3,102,000).

(b) Notwithstanding Sections 10703 and 10704 of the Elections Code, Los Angeles County shall conduct a special primary election on March 3, 2009, and, if necessary, conduct a special election on May 19, 2009, to fill the vacancy in the office of State Senator for the 26th Senatorial District. Los Angeles County may consolidate its special primary election and its special election with the City of Los Angeles primary nominating election on March 3, 2009, and the general municipal election on May 19, 2009.

SEC. 2. The Legislature finds and declares that due to unique circumstances regarding the special election to fill the vacancy in the office of State Senator for the 26th Senatorial District, a general statute cannot be made applicable within the meaning of Section 16 of Article IV of the California Constitution. Therefore, the special legislation contained in Section 1 of this act is necessarily applicable only to those jurisdictions within the 26th Senatorial District.

SEC. 3. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order for the special election to fill the vacancy in the office of State Senator for the 26th Senatorial District to be consolidated with a local election occurring wholly or partially with that district, it is necessary that this act take effect immediately.